

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

HARVEY D. BARBER,)
)
)
Plaintiff,))
)
-vs-) Case No. CIV-15-132-F
)
CANADIAN COUNTY JAIL, et al.,)
)
)
Defendants.)

ORDER

United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation on March 31, 2015, wherein he recommended that plaintiff's 42 U.S.C. § 1983 action be dismissed pursuant to 28 U.S.C. § 1915. Magistrate Judge Erwin recommended that plaintiff's claims against defendant, Canadian County Jail, and his claims on behalf of other inmates should be dismissed with prejudice. He also recommended that plaintiff's remaining claims should be dismissed without prejudice for failure to state a claim upon which relief may be granted.

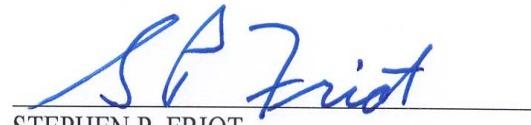
Magistrate Judge Erwin advised plaintiff of his right to file specific written objections to the Report and Recommendation by April 17, 2015 and that failure to make timely objection to the Report and Recommendation waives the right to appellate review of the factual and legal issues addressed.

To date, plaintiff has not filed an objection to the Report and Recommendation and has not sought leave to extend the time in which to file an objection. With no objection being filed within the time prescribed, the court accepts, adopts and affirms the Report and Recommendation to the extent that plaintiff's 42 U.S.C. § 1983 action shall be dismissed pursuant to 28 U.S.C. § 1915 and that plaintiff's § 1983 claims

against defendant, Canadian County Jail, shall be dismissed with prejudice; that plaintiff's § 1983 claims on behalf of other inmates shall be dismissed without prejudice for lack of standing to proceed; and that plaintiff's § 1983 remaining claims shall be dismissed without prejudice.

Accordingly, the Report and Recommendation of Magistrate Judge Shon T. Erwin issued on March 31, 2015 (doc. no. 9), is **ACCEPTED, ADOPTED** and **AFFIRMED**. Plaintiff's 42 U.S.C. § 1983 action is dismissed pursuant to 28 U.S.C. § 1915. Plaintiff's § 1983 claims against defendant, Canadian County Jail are **DISMISSED WITH PREJUDICE**. Plaintiff's § 1983 claims on behalf of other inmates are **DISMISSED WITHOUT PREJUDICE** for lack of standing to proceed. Plaintiff's remaining § 1983 claims are **DISMISSED WITHOUT PREJUDICE**.

DATED May 1, 2015.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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